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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,413	08/27/2001	Takashi Ohgawara	65771/JPW/MS	4336

7590 01/02/2004
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EXAMINER

BARBEE, MANUEL L

ART UNIT PAPER NUMBER

2857

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,413

Applicant(s)

OHGAWARA ET AL.

Examiner

Manuel L. Barbee

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US Patent No. 5,950,140 in view of Tomioka et al. (US Patent No. 6,606,748).

With regard to collecting the measured data items, as shown in claims 1 and 7, Smith teaches using remote sensors to collect position information (col. 2, lines 6-24; col. 2, line 55 - col. 4, line 67). With regard to generating measurement data for users according to contract conditions for each user, as shown in claims 1 and 7, and hierarchically grouping the data according contract conditions for each user, as shown in claims 4 and 10, Smith teaches gathering measurements and generating a report according to an user defined set of data (col. 6, lines 1-23). Smith does not teach generating measurement data for each of a plurality of contract users, as shown in claims 1 and 7.

Tomioka et al. teach an information providing method that provides information to a plurality of users based on the specific request of the users (Abstract, col. 9, lines 19-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the land monitoring method, as taught by Smith, to

include providing information to a plurality of users, because then customized information would have been available to a plurality of users.

3. Claims 2, 3, 5, 6, 8, 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Tomioka et al., as applied to claims 1 and 7 above, and further in view of Oishi (JP 410112264A).

Smith and Tomioka et al. teach all the limitations of claim 1 upon which claims 2, 3, 5 and 6 depend and claim 7 upon which claims 8, 9, 11 and 12 depend. Further, with regard to generating measurement data according to contract conditions, as shown in claims 3 and 9, Smith teaches using an user defined set of data, as shown above with regard to claims 1, 4, 7 and 10. Smith and Tomioka et al. do not teach generating data on the condition that each at least one measuring instrument does not malfunction, as shown in claims 2 and 8, or determining whether at least one of the measured data items is abnormal and giving a re-measurement instruction in the case where at least one measured data item is abnormal, as shown in claims 3, 5, 6, 9, 11 and 12.

Oishi teaches determining whether a measurement value is abnormal or erroneous and making a remeasurement when data is abnormal (Abstract). Oishi teaches displaying data when it is judged to be correct. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the creep monitoring apparatus, as taught by Smith, to include checking to make sure measurements are normal and remeasuring when an abnormal measurement is detected, as taught by Oishi, because then more accurate measurements would have

been made and inaccurate measurements would not have been included in the data collection.

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Loeb et al. (US Patent No. 5,245,656) teach private information delivery and filtering.

Duhon (US Patent Application Publication 2001/0011245) teaches report request and customized analysis for the subscriber (par. 85).

Isami (US Patent Application Publication 2002/0026292) teaches producing analytical data according to contract terms.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel L. Barbee whose telephone number is 703-308-0979. The examiner can normally be reached on Monday-Friday from 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0976.

mlb
December 15, 2003


MARCO S. HOFF
SUPERVISOR
TECHNICAL
2857